

EXHIBIT 48

Joseph Abraham

From: Mark Siegmund <mark@swclaw.com>
Sent: Wednesday, March 23, 2022 12:42 PM
To: Mike Jones; Greg Love
Cc: WSOU Google WDTX; CA-BrazosTrials@carterarnett.com; WSOU-Google; Warren Lex Project Caribou; WSOU POTTER GROUP
Subject: RE: WSOU v. Google - Joint Status Report re cv572, cv579, cv580, cv584, cv585
Attachments: 03-23-2022 Joint Status Report - Motions to Compel - Brazos Edits.docx; Exhibit A Proposed Order to Joint Status Report - Brazos Edits.docx; Exhibit B to Joint Status Report - Under Submission - Brazos Edits.docx; Exhibit C to Joint Status Report - To Be Heard - Brazos Edits.docx; Exhibit D - WSOU v. Google - Discovery Hearing Demonstratives.pdf

[EXTERNAL] This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mike,

Thanks for sending and please see our edits in the attached documents.

Sincerely,
Mark

Mark D. Siegmund
Senior Associate
STECKLER WAYNE CHERRY & LOVE, PLLC
254.651.3690 (Main)
254.651.3688 (Direct)
www.swclaw.com

From: Mike Jones <mikejones@potterminton.com>
Sent: Tuesday, March 22, 2022 11:38 AM
To: Mark Siegmund <mark@swclaw.com>; Greg Love <Greg@swclaw.com>
Cc: wsou-google-wdtx@foliolaw.com; CA-BrazosTrials@carterarnett.com; WSOU-Google <WSOU-Google@jonesday.com>; Warren Lex Project Caribou <caribou@matters.warrenlex.com>; WSOU POTTER GROUP <WSOUGoogle@potterminton.com>
Subject: WSOU v. Google - Joint Status Report re cv572, cv579, cv580, cv584, cv585

Mark and Greg –

The email from Jeffrey Gunnell instructed the parties to send a Joint Status Report regarding the above cases by tomorrow. We have taken a stab at a draft to provide the requested information and it is attached.

You may want to run it by your team and let us have your input on where we go from here in getting this task done.

Michael E. Jones

POTTERMINTON

-----A Professional Corporation

110 North College, Suite 500; Tyler TX 75702

telephone: 903.597.8311 ext. 239

Direct dial: 903.525.2239

facsimile: 903.593.0846

mikejones@potterminton.com

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC d/b/a	§	Case No. 6:20-cv-572-ADA
BRAZOS LICENSING AND	§	Case No. 6:20-cv-579-ADA
DEVELOPMENT,	§	Case No. 6:20-cv-580-ADA
	§	Case No. 6:20-cv-584-ADA
Plaintiff,	§	Case No. 6:20-cv-585-ADA
	§	
v.	§	JURY TRIAL DEMANDED
	§	
GOOGLE LLC,	§	
	§	
Defendant.	§	

JOINT STATUS REPORT

As requested by the Court on March 21, 2022, the parties to these actions hereby submit this report regarding the status of outstanding discovery disputes, ongoing discussions related to adjusting scheduling deadlines, and the appearance of replacement national counsel.

I. Issues Decided by the Court

At the February 17 hearing, the Court ruled on two motions to compel:

- Google's January 31 Matrix, Issue No. 1 (also referenced as "Google 1") (motion to compel documents referenced within loan agreement); and
- Google's February 2 Corrected Matrix, Issue No. 3 ("Google 3") (motion to compel Brazos's financial records from 2017-2019).

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The Court denied Google's January 31 Matrix, Issue No. 1, and granted Google's February 2 Corrected Matrix, Issue No. 3. The parties have prepared a proposed order reflecting these rulings, attached as Exhibit A.

II. Issues Submitted to the Court

At the February 17 hearing, the Court also heard argument on three additional motions to compel, which it took under submission:

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- Brazos's January 28 Matrix, Issue No. 4 (also referenced as "Brazos 1") (motion to compel Google's financial information for applications that call to either the Mobile Vision API or Awareness API);

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- Brazos's January 28 Matrix, Issue No. 5 ("Brazos 2") (motion to compel Google's advertising revenue attributable to Awareness API); and

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- Brazos's February 16 Matrix, Deposition Issue No. 1 (-585 Case) ("Brazos 3") (motion to compel regarding deposition of Reto Meier);

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The parties have included a proposed order, including brief summaries of the disputes, attached as Exhibit A.¹ The parties have attached the matrices for these issues as Exhibit B.

Deleted: <#>WSOU's February 16 Matrix, Deposition Issue No. 1 (-580 Case) ("Brazos 4") (motion to compel regarding deposition of Christiaan Prins); and ¶
WSOU's February 16 Matrix, Deposition Issue No. 2 (-585 Case) ("Brazos 6") (motion to compel regarding deposition of Payam Pakzad).¶

III. Issues the Parties Have Briefed But Not Yet Argued to the Court

The following issues remain to be argued, in numerical order:

- Brazos's February 16 Matrix, Deposition Issue No. 1(580 Case) ("Brazos 4") (motion to compel regarding deposition of Christiaan Prins²;
- Brazos's February 16 Matrix, Deposition Issue No. 2 (585 Case) ("Brazos 6") (motion to compel regarding deposition of Payam Pakzad;
- Google's February 2 Corrected Matrix, Issue Nos. 4-6 (also referenced as "Google 2") (motion to compel a limited set of emails);
- Google's February 2 Corrected Matrix, Issue No. 8 ("Google 4") (motion to compel Brazos's deposition transcripts);
- Google's February 2 Corrected Matrix, Issue No. 1 ("Google 5") (motion to compel a privilege log from Brazos);
- Google's February 2 Corrected Matrix, Issue No. 7 ("Google 6") (motion to compel documents referenced at Mr. Hogan's deposition); and
- Brazos's February 16 Matrix Issue No. 1 ("Brazos 7") (motion to compel regarding Mr. Jim Maccoun's deposition).

Deleted: <#>Since the hearing, the parties have discussed schedule issues and WSOU has proposed that a date be included in the schedule for it to seek leave to amend its final contentions. WSOU has not specified the scope of its proposed amendments or which case(s) they would affect. Google asked for a draft of any proposed amendments and stated that it cannot respond to this request for amended contentions without knowing what amendments are requested. If amendments are allowed by the Court, then the above motions may be altered or mooted in some respect.

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The parties have attached the matrices for these issues at Exhibit C.

¹ Brazos's Hearing Demonstratives are included as Exhibit D.

² As noted by Brazos at the close of the February 17 hearing, the depositions of Messrs. Prins and Pakzad present the "same issues [as] what [Brazos] just went over with Mr. Meier." Hrg. Tr. 50:23-51:4.

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IV. Withdrawn Issues

In advance of the discovery hearing on February 17, 2022, the parties also conferred regarding the disputes slated for argument and agreed to withdraw four of the then-outstanding disputes:

- Google's February 2 Corrected Matrix, Issue No. 2 (motion to compel RFA responses);
- Brazos's January 28 Matrix, Issue No. 1 (motion to compel production of additional source code in the -572 case);
- Brazos's January 28 Matrix, Issue No. 2 (motion to compel production of additional source code in the -585 case); and
- Brazos's January 28 Matrix, Issue No. 3 (motion to compel production of additional documents in the -572 case).

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V. Ongoing Scheduling Discussion and Replacement of National Counsel

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Since the hearing, replacement national counsel for plaintiff has appeared, and previous national counsel – Carter Arnett – filed a motion to withdraw (Dkt#). Following the hearing, and the withdrawal of Carter Arnett, new counsel for Brazos contacted counsel for Google to discuss the instant discovery disputes, including solutions offered by Google at the hearing, and scheduling issues.³ In light of arguments made by counsel for Google during the February 17 hearing concerning scope of discovery at issue, Brazos proposed that a date be included in the schedule to amend its final infringement contentions. Brazos anticipates sharing proposed amended contentions with Google to the extent the present state of discovery allows by the end of this month as to at least three of the remaining pending cases, and very shortly thereafter as to the remaining pending case(s). As to projected amendments that bear on the scope of the instrumentalities accused in this case, Brazos intends to amend its contentions to disclose:

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³ Folio Law Group, replacement counsel, has not entered an appearance in the -579 case. Local counsel for Brazos and Google are discussing the status of the -579 case, including voluntary dismissal.

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- -572 case: As accused products, Google's IP TV products including previously identified products e.g. YouTube TV, and additional products including for example Google TV, and YouTube,
- -580 case: As accused products that incorporate the previously identified infringing barcode-scanning instrumentality, at least uses of "Bar Hopper" in Google products and products made available for use by third-party developers, including at least Mobile Vision API; ML Kit; Bar Code Scanning API; Google Lens; Google Pay; Kent; Lookout; Reach; Cloud Vision; Cloud Robotics; and AiAi,
- -584 case: As accused products, Google's Pixel 4 phone, and additional products Google Nest Hub (2nd Gen) and Google Nest Thermostat,
- -585 case: As accused products that incorporate the previously identified infringing instrumentality, at least uses of location and context signals—i.e., geofencing—in Google products and products made available for use by third-party developers, including at least Awareness API (previously known as Context Manager API); Fence API; Context Fence API; Snapshot API; Google Play Services; Google API; Google Maps (including Google Timeline); and Google search.

Brazos's forthcoming contention amendments may alter or moot in some respects one or one more of the above motions.

Date: March 23, 2022

Respectfully submitted,

/s/ Mark D. Siegmund
Mark D. Siegmund, TX SB No. 24117055
mark@swclaw.com
Greg Love, TX SB No. 24013060
greg@swclaw.com

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STECKLER WAYNE CHERRY & LOVE, PLLC
8416 Old McGregor Road
Waco, TX 76712

Joseph M. Abraham, TX SB No. 24088879
Timothy Dewberry, TX Bar No. 24090074
Folio Law Group PLLC
13492 Research Blvd., Suite 120, No. 177
Austin, TX 78750
T: 737-234-0201
Email: joseph.abraham@foliolaw.com
Email: timothy.dewberry@foliolaw.com

Cliff Win, CA Bar No. 270517
Steven Skelley, WA Bar No. 53017
Folio Law Group PLLC
1200 Westlake Ave. N., Ste. 809
Seattle, WA 98109
Tel: (206) 880-1802
Email: cliff.win@foliolaw.com
Email: steve.skelley@foliolaw.com

Attorneys for Plaintiff WSOU Investments,
LLC d/b/a Brazos Licensing & Development

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Michael E. Jones (Texas Bar No. 10929400)
Patrick C. Clutter (Texas Bar No. 24036374)
Potter Minton, P.C.
110 North College, Suite 500
Tyler, Texas, 75702
+1 (903) 597-8311
+1 (903) 593-0846 facsimile
mikejones@potterminton.com
patrickclutter@potterminton.com

Tharan Gregory Lanier
(California Bar No. 138784) (*pro hac vice*)
Jones Day
1755 Embarcadero Road
Palo Alto, California, 94303
+1 (650) 739-3939
+1 (650) 739-3900 facsimile
tglanier@jonesday.com

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Sasha Mayergoyz
Jones Day
77 W. Wacker Drive
Chicago, IL 60601
+1 (312) 782-3939
smayergoyz@jonesday.com

Tracy A. Stitt
Edwin O. Garcia
Jones Day
51 Louisiana Avenue NW
Washington, DC 20001
+1 (202) 879-3641
tastitt@jonesday.com
edwingarcia@jonesday.com

Michael A. Lavine
Jones Day
555 California Street
26th Floor
San Francisco, California 94104
+1 (415) 626-3939
mlavine@jonesday.com

Matthew S. Warren (California Bar No. 230565)
Jennifer A. Kash (California Bar No. 203679)
(pro hac vice)
Erika Warren (California Bar No. 295570)
Francesca Miki Shima Germinario
(California Bar No. 326208) *(pro hac vice)*
Warren Lex LLP
2261 Market Street, No. 606
San Francisco, California, 94114
+1 (415) 895-2940
+1 (415) 895-2964 facsimile
20-580@cases.warrenlex.com
20-585@cases.warrenlex.com

Attorneys for Defendant Google LLC